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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES AL-PINE,
Petitioner,
v.
MARY BETH CODY,
Respondent.

Case No. [18-cv-04383-JD](#)

ORDER OF TRANSFER

Re: Dkt. No. 4

This is a habeas case filed pro se by a Texas prisoner. Petitioner challenges a conviction obtained in Harris County, Texas. Harris County is in the venue of the United States District Court for the Southern District of Texas.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted in the Southern District of Texas, this case is **TRANSFERRED** to the United States District Court for the Southern District of Texas. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). In view of the transfer, the Court will not rule upon plaintiff's motion to proceed in forma pauperis (Docket No. 4) which is **VACATED**.

IT IS SO ORDERED.

Dated: August 10, 2018

JAMES DONATO
United States District Judge



CHARLES AL-PINE,
Plaintiff,
v.
MARY BETH CODY,
Defendant.

Case No. [18-cv-04383-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 10, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charles Al-Pine ID: #1422624
G12-F78 Cell
James V. All-Red Unit 2101
F.M. 369 N.
Iowa Park, TX 76367

Dated: August 10, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO